



BOARD OF COUNTY COMMISSIONERS SHELBY COUNTY, TENNESSEE

AGENDA

Monday, March 29, 2010

Commissioner Joyce Avery, Chairman
Commissioner Sidney Chism, Chairman Pro Tempore
Commissioner Henri E. Brooks
Commissioner Wyatt Bunker
Commissioner Mike Carpenter
Commissioner George Flinn
Commissioner J.W. Gibson II

Commissioner James Harvey
Commissioner Deidre Malone
Commissioner Edith Ann Moore
Commissioner Steve Mulroy
Commissioner John Pellicciotti
Commissioner Mike Ritz

3/26/2010 10:20 AM

1:30 PM

COMMISSION CONVENES

CALL TO ORDER

Chairman Joyce Avery

OPENING OF THE COMMISSION

Deputy Sheriff

INVOCATION

Reverend Jimmy Latimer
Redeemer Evangelical Church (District 4)

PLEDGE OF ALLEGIANCE

ROLL CALL

Approval of Minutes of Previous Session
March 15, 2010

CONSENT AGENDA

Resolutions of Memorial, Sympathy and Commendation

1. Resolution recognizing and commending Pastor Eric Boyland of Christ Outreach Center. Sponsored by Commissioner Deidre Malone.
2. Resolution to commend and congratulate Senior Bishop William H. Graves on his retirement as the 42nd Bishop of the Christian Methodist Episcopal Church. Sponsored by Commissioner Deidre Malone.

Ordinances

Zoning and Subdivisions

Reports and/or Resolutions for Standing Committees

CHISM

Chairman, Law
Enforcement
Committee

3. [Resolution amending the FY 2009-10 Fire Department operating budget, accepting a grant in the amount of \\$138,216 and approving the expenditure of Assistance to Firefighter Grant funds and appropriating said funds from the U. S. Department of Homeland Security through the Federal Emergency Management Agency in the amount of \\$138,216 with a 20% match by the Fire Department in the amount of \\$34,554 plus an additional appropriation of \\$6,138.97 from Shelby County Fire Department to complete the purchase of two cardiac monitors for a total of \\$178,908.97. This resolution sponsored by Commissioner Sidney Chism. \(AMENDED IN COMMITTEE 3/24/10\)](#)
4. [A resolution approving the expenditure of funds by the Office of Preparedness FY 2010 Operating Budget in the amount of \\$157,795.06 to ADS Inc., and to appropriate funds for technical rescue training and this item requires the expenditure of pass thru grant funds under the U.S. Department of Homeland Security Grant Programs in the amount of \\$157,795.06. Sponsored by Commissioner Sidney Chism.](#)

CHISM

Chairman, Law
Enforcement
Committee

FLINN

Chairman, General
Government
Committee

5. Resolution approving the election of notaries public for appointment and/or reappointment for Shelby County, Tennessee. Sponsored by Commissioner George Flinn.

RITZ

Acting Chairman,
Delinquent Tax
Property Committee

6. Resolution approving the sale of twelve (12) County owned delinquent tax parcels, acquired from Shelby County Trustee Tax Sale Nos. 0002, 0005, 0103, 0203, 0206, 0403, 0405, 0406, and 0503, to identified purchasers at various prices collectively totaling \$36,300.00, pursuant to the sale provisions of T.C.A. §67-5-2507 and authorizing the Shelby County Mayor to execute quit claim deeds. Sponsored by Commissioner Henri Brooks.

RITZ

Acting Chairman,
Delinquent Tax
Property Committee

7. Resolution approving the sale of eleven (11) County owned delinquent tax parcels, acquired from Shelby County Trustee Tax Sale Nos. 0203, 0301, 0405, 0503, and 0504, to identified purchasers at various prices collectively totaling \$64,300.00, pursuant to the sale provisions of T.C.A. §67-5-2507 and authorizing the Shelby County Mayor to execute quit claim deeds. Sponsored by Commissioner Henri Brooks.

RITZ

Acting Chairman,
Delinquent Tax
Property Committee

8. Resolution approving the sale of eight (8) County owned delinquent tax parcels, acquired from Shelby County Trustee Tax Sale Nos. 0303, 0406, 0503, and 0504, to identified purchasers at various prices collectively totaling \$73,200.00, pursuant to the sale provisions of T.C.A. §67-5-2507 and authorizing the Shelby County Mayor to execute quit claim deeds. Sponsored by Commissioner Henri Brooks.

RITZ

Acting Chairman,
Delinquent Tax
Property Committee

9. A resolution approving the conveyance of twelve (12) unimproved parcels of County owned delinquent tax property to NHO Management, Inc., A Tennessee Not-For-Profit Corporation, for

nominal consideration; and to authorize the Mayor to execute quit claim deeds conveying said parcels to NHO Management, Inc., A Tennessee Not-For-Profit Corporation, for its use in developing low income single family housing that will be owner occupied. Sponsored by Commissioner Henri Brooks.

RITZ

Acting Chairman,
Delinquent Tax
Property Committee

10. A resolution approving the conveyance of one (1) improved parcel of County owned delinquent tax property to Rangeline Neighborhood Community Development Corporation, a Tennessee Not-For-Profit Corporation, for nominal consideration; and to authorize the Mayor to execute a quit claim deed conveying said parcel to Rangeline Neighborhood Community Development Corporation, a Tennessee Not-For-Profit Corporation, for its use in developing low income single family housing that will be owner occupied. Sponsored by Commissioner Henri Brooks.

R E G U L A R A G E N D A

Elections, Appointments, and Confirmations

FLINN

Chairman, General
Government
Committee

11. Resolution approving the County Mayor's nomination of Richard S. Hollis, Jr. and Marsh Campbell for appointment to the Shelby County Agricenter Commission. Sponsored by Commissioner George Flinn.
12. Resolution approving the County Mayor's nomination of Daniel Dow and Lynda Raiford for reappointment to the Memphis and Shelby County Board of Adjustment. Sponsored by Commissioner George Flinn.

Ordinances

CHISM

Chairman, Law
Enforcement
Committee

13. [ORDINANCE - FIRST READING - An ordinance to amend Chapter 7, Article XI, of the Code of Ordinances regarding police emergency alarm systems so as to reduce the number of allowable false alarms, include civil damages and add notification process of alarm users operating without a permit. Sponsored by Commissioner Mike Carpenter. \(AMENDED IN COMMITTEE 3/24/10\)](#)

RITZ

Chairman, Land Use
Committee

14. [ORDINANCE – THIRD READING – ZTA 09-002 CC -- a joint ordinance amending the Memphis and Shelby County Zoning Ordinance regulations adopted by the Shelby County Board of Commissioners on October 6, 1980, and by the Council of the City of Memphis on October 7, 1980, being Resolution and Ordinance No. 3064, as amended, so as to make certain changes therein as follows:](#)

(1) Amend Appendix A Zoning, Section 2 to define the term "Family

Recreation Center(s)".

(2) Amend Appendix A Zoning, Section 2 to define the term "Park(s)"

(3) Amend Chart 1, Footnote 18, requiring adult entertainment uses to

be located a minimum distance of 1,500 feet from certain identified

uses, to add "Family Recreation Center(s)" as one of the identified

uses listed.

Sponsored by Commissioner Ritz

(Notice of public hearing published in the Daily News Friday, February 12, 2010)

(AMENDED IN COMMITTEE 3/24/10)

FLINN

Chairman, General
Government
Committee

15. [ORDINANCE - THIRD READING - An Ordinance to Amend the Shelby County Code of Ordinances, Chapter 12.5, Article II, Relative to the "Code of Ethics." Sponsored by Commissioner Mike Ritz.](#)

Zoning and Subdivisions

Reports and/or Resolutions for Standing Committees

GIBSON

Chairman, Budget and Finance Committee

16. [Resolution requesting all County offices that will receive appropriations from Shelby County Government for Fiscal Year 2011 to submit budget proposals to the Finance Department no later than March 29, 2010. Sponsored by Commissioner J.W. Gibson II. \(ADD-ON IN COMMITTEE 3/24/10\)](#)

CARPENTER

Chairman, Public Works Committee

17. [Resolution approving the sale of 1.291 acres of improved real property located on the southwest side of Lamar Avenue, immediately east of Kyle Avenue, to Curtis Broome, Sr. for \\$40,000.00. Sponsored by Commissioner Mike Carpenter.](#)

MOORE

Chairman, Community Services Committee

18. [Resolution amending the FY 2010 Operating Budget in the amount of \\$85,676.00 for receipt of a U S Department of Housing and Urban Development Grant totaling \\$238,782.00 to provide housing for the chronically homeless under the Supportive Housing Program for the term March 1, 2010 to February 28, 2011; amending the position control budget; and appropriating siad funds. This item requires expenditure of Federal Grant Funds in the amount of \\$85,676.00. Sponsored by Commissioner Edith Ann Moore.](#)

MOORE

Chairman, Community Services Committee

19. [Resolution to amend the FY 2010 Operating Budget to appropriate additional grant funds from the Tennessee Department of Human Services in the amount of \\$242,362.00 for the Community Services Block Grant Program for the period of July 1, 2009 through June 30, 2010. This item requires expenditure of State Grant Funds in the amount of \\$242,362.00. Sponsored by Commissioner Edith Ann Moore.](#)

MOORE
Chairman, Community
Services Committee

20. Resolution approving contracts for construction auditors working in the Shelby County Community Services Agency Weatherization Assistnace Program. This item requires expenditure of previously budgeted State Grant Funds in the amount of \$1,500,000.00. Sponsored by Commissioner Edith Ann Moore. (AMENDED IN COMMITTEE 3/24/10)

MOORE
Chairman, Community
Services Committee

21. Resolution approving the lease of 22,824 square feet of office space located at 1391 Madison Avenue between Shelby County Government and 1399 Madison Properties, LLC and to authorize the Shelby County Mayor to execute the lease agreement. Sponsored by Commissioner Mike Carpenter. (WITHDRAWN IN COMMITTEE 3/24/10)

FLINN
Chairman, General
Government
Committee

22. Resolution to amend Shelby County Retirement System Plan A to change the certain definitions affecting the calculation of benefits of City-to-County Transfer Employees and County-to-City Transfer Employees. Sponsored by Commissioner George Flinn.

FLINN
Chairman, General
Government
Committee

23. Resolution to amend Shelby County Retirement System Plan B to change the certain definitions affecting the Calculation of Benefits of City-to-County Transfer Employees and County-to-City Transfer Employees and to correct a Scrivener's Error relating to calculation of deferred vested pensions. Sponsored by Commissioner George Flinn.

FLINN
Chairman, General
Government
Committee

24. Resolution to amend Shelby County Retirement System Plan C to change the certain definitions affecting the calculation of benefits of City-to-County Transfer Employees and County-to-City Transfer employees and to correct a Scrivener's Error relating to vesting of pensions of County-to-City Transfer employees. Sponsored by Commissioner George Flinn.

MULROY
Chairman, Legislative
Committee

25. [Resolution requesting the Shelby County Delegation to support and members of the Tennessee General Assembly to enact, House Bill 3310 / Senate Bill 3528 relative to a hospital coverage fee. Sponsored by Commissioner Deidre Malone.](#)

MULROY
Chairman, Legislative
Committee

26. [Resolution of the Board of County Commissioners of Shelby County, Tennessee, requesting the Shelby County Delegation to support, and members of the Tennessee General Assembly to enact, Senate Bill 0925/House Bill 0612 relative to enhancing criminal penalties for aggravated robbery. Sponsored by Commissioner John Pellicciotti. \(ADD-ON IN COMMITTEE AND SENT WITHOUT RECOMMENDATION 3/24/10\)](#)

MULROY
Chairman, Legislative
Committee

27. [Resolution of the Board of County Commissioners of Shelby County, Tennessee, requesting the Shelby County Delegation to support, and members of the Tennessee General Assembly to enact, House Bill 2192/Senate Bill 1996 relative to determining operating costs of incarceration for fiscal notes. Sponsored by Commissioner John Pellicciotti. \(ADD-ON IN COMMITTEE 3/24/10\)](#)

Announcements/Statements

Adjournment

28. Adjournment to Monday, April 12, 2010 at 1:30 p.m.